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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,305	03/02/2005	Maikel Albert Walther Klomp	NL 020866	3587

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EXAMINER

SHALLENBERGER, JULIE A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,305

Applicant(s)

KLOMP ET AL.

Examiner

Julie A. Shallenberger

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne Willson (6,676,284) in view of Fermgard (2004/0179000).

In regard to claims 1, 3, 4, and 6-8 Wynne Wilson teaches an LED assembly with a plurality of flexibly mounted (col. 6 line 45) LEDs suitable to form a string (col. 9 line 63) with an LED mounted with a mounting base 3, which is provided with electrical connection wires (see figures 2 and 3), a control system and a matrix arrangement (col. 11 lines 10-60), but lacks the teaching of the wires being protected from surroundings by a package of hot melt material.

Fermgard teaches a light emitting diode that is mounted and secured using a hot melt adhesive.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the light device of Wynne Willson with the hot metal material mounting means taught by Fermgard in order to provide a strong bonding means with lasting durability to protect the diode by securing it in its intended place.

In regard to claim 6, Fermgard does not teach where the hot melt is to be applied, but it would have been obvious to one of ordinary skill in the art to only apply it to the front in order to still have access to the diode wires in the back, should there be any electrical connection problems that would need to be addressed.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne Willson and Fermgard in view of Epstein (6,801,276).

Wynne Willson and Fermgard teach the invention as described above but lack the teaching of a diffusing means within the hot melt.

Epstein teaches a hot melt adhesive with diffusing properties (col. 4 lines 17-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the light of Wynne Willson and the hot melt of Fermgard with the diffusing hot melt taught by Epstein in order to enhance the amount of light emitted by the diode. Furthermore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the diffusing material white in order to emit white light.

Response to Arguments

Applicant's arguments filed 9/14/06 have been fully considered but they are not persuasive.

In regard to claim 1 and the hot melt being used for protecting the LED, since the hot melt is securing the LED it would inherently be protecting the diode from damage caused by it shifting around inside the pen.

In regard to claim 5 and the diffusing material being white so as to reflect light, the claim merely states "the hot melt material has a white, light scattering surface" and a diffuser scatters light. Contrary to applicant's arguments, in the claim does not require that the hot melt material is reflective.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to show or teach a light emitting diode assembly as claimed in 1 with hot melt material providing protection from dust and water.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

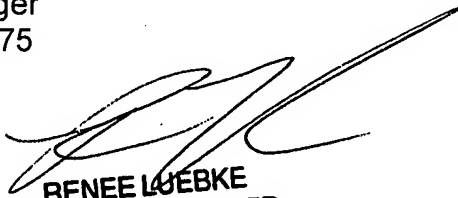
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julie Shallenberger
Examiner AU 2875



RENEE LUEBKE
PRIMARY EXAMINER